

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED

JAN 29 2020

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION

JULIA C. DUDLEY, CLERK  
BY: *A. Seagr*  
DEPUTY CLERK

UNITED STATES OF AMERICA,  
and COMMONWEALTH OF VIRGINIA  
*ex. rel.* DWIGHT OLDHAM

Plaintiffs,

v.

CENTRA HEALTH, INC.,

Defendant.

No. 6:18-cv-00088

FILED IN CAMERA  
AND UNDER SEAL

**NOTICE OF ELECTION BY THE COMMONWEALTH OF VIRGINIA  
TO DECLINE INTERVENTION**

Pursuant to the Virginia Fraud Against Taxpayers Act, Va. Code Ann. § 8.01-216.5(D), the Commonwealth of Virginia notifies the Court of its decision not to intervene in this action.

Although the Commonwealth declines to intervene, the Commonwealth respectfully refers the Court to Va. Code Ann. § 8.01-216.5(A), which allows the relator to maintain the action in the name of the Commonwealth, providing, however, that the “action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.” *Id.* Therefore, the Commonwealth requests that should either the relator or the defendant propose that this action be dismissed, settled, or otherwise discontinued, the written consent of the Commonwealth be obtained before a final ruling is issued.

Furthermore, pursuant to Va. Code Ann. § 8.01-216.6(F), the Commonwealth requests that all pleadings filed in this action be served upon it and that orders issued by the Court be sent to counsel for the Commonwealth. The Commonwealth reserves its right to order any deposition transcripts and to intervene in this action, for good cause, at a later date. The Commonwealth also requests that it be served with all notices of appeal.

Finally, the Commonwealth requests that the relator's Complaint and this Notice be unsealed, and that all other papers on file in this action remain under seal because in discussing the content and extent of the investigation by the Commonwealth, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

The Commonwealth respectfully refers to the Court to the proposed Order submitted by the United States as an attachment to the United States' Notice of Election to Decline Intervention. The Commonwealth has reviewed and consents to that proposed Order.

Dated: January 28, 2020\_\_

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kimberly M. Bolton', is written over a horizontal line.

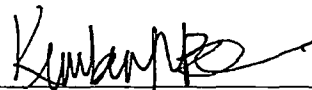
Kimberly M. Bolton  
VSB No. 80006  
Office of the Attorney General  
Medicaid Fraud Control Unit  
202 North Ninth Street  
Richmond, Virginia 23219  
Tel: (804) 786-4619 Fax: (804) 786-0807  
Email: [kbolton@oag.state.va.us](mailto:kbolton@oag.state.va.us)

CERTIFICATE OF SERVICE

I certify that upon entry of the proposed Order in this case, this notice and the Order shall be served by mail or email upon counsel for the Relator as follows:

John Thomas  
Healy Haefemann Magee  
PO Box 8877  
Roanoke, VA 24014  
540-759-1660  
jt@hh.law

Pursuant to Va. Code Ann. § 8.01-216.5(B) this matter is under seal and, therefore, the undersigned will not serve the Defendant with this pleading.

  
\_\_\_\_\_  
Kimberly M. Bolton  
Assistant Attorney General